

### **REMARKS**

Applicants are responding to the Office Action dated May 6, 2003. The May 6, 2003 Office Action indicates that Applicants February 12, 2003 response was not fully responsive to the Office Action dated August 12, 2002. Applicants response of February 12, 2003 (including a request for 3-month extension of time to respond to the August 12, 2002 Office Action) is being resubmitted herewith with the deficiencies noted by the Patent Office now corrected. Any charges associated with this should be charged to deposit account number 16-2480.

### **Restriction Requirement**

The Examiner requires an election between Claims 1 - 11 (laundry detergent composition), Claims 12 and 20 (process for forming free flowing cyclodextrin granules and process of using cyclodextrin in a laundry detergent), Claims 13 - 15 (process for forming free flowing cyclodextrin granules), Claim 16 (process for forming cyclodextrin-detergent agglomerates), and Claims 17 - 19 (process for removing malodor from laundered items during automatic laundry washing). Applicants elect with traverse to prosecute Claims 1 - 11. Please withdraw Claims 12 - 20 as non-elected claims of the present invention.

Applicants' traversal is based upon the ease with which all claims could be examined together by the Patent and Trademark Office. It would appear that a single search would suffice to find the art related to laundry detergent compositions incorporating cyclodextrin for malodor reduction and processes therefor. Hence, it would be no more burdensome for the Office to examine all claims at once than to examine the claims in five distinct groups. Accordingly, Applicants respectfully request that the election requirement be reconsidered and withdrawn.

### **Abstract**

The Examiner objects to the abstract on the basis that it need not recite, "The present invention provides". Applicants have corrected the Abstract in accordance with the Examiner's suggestion. Applicants respectfully request the Examiner to reconsider and withdraw this objection.

### **Claim Objections**

The Examiner objects to Claims 4 and 6 because of the following informalities: In Claim 4, line 3, the variables m, n, and y should be rewritten as subscripts. In Claim 6, line 4 "carboxymethyl" is misspelled. Applicants have corrected the informalities in Claim 4 in accordance with the Examiner's suggestion. Claim 6 has been cancelled without prejudice. Applicants respectfully request the Examiner to reconsider and withdraw these objections.

**Rejections under 35 U.S.C. §112**

The Examiner rejects Claim 6 under 35 U.S.C. §112, second paragraph on the basis that Claim 6 is indefinite because the recited hygroscopic powders are organic compounds and not inorganic compounds. Claim 6 is cancelled herewith without prejudice. Hence, the Examiner's rejection of Claim 6 is moot.

**Rejections under 35 U.S.C. §103(a)**

The Examiner rejects Claims 1 - 3 and 7 - 9 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,992,198 issued to Nebashi (hereinafter "Nebashi").

The Examiner rejects Claims 1 - 10 under 35 U.S.C. §103(a) as being unpatentable over WO 98/12298 published in the name of Surutzidis et al. (hereinafter "Surutzidis").

The Examiner rejects Claim 11 as being unpatentable over Surutzidis as applied to Claims 1 - 10 and further in view of U.S. Patent No. 5,853,430 issued to Shindo (hereinafter "Shindo").

Applicants have amended Claim 1 in order to more particularly define their invention. Support for the amendment to Claim 1 may be found on page 9, lines 20 - 25 of the instant invention. As amended, Claim 1 of Applicants' instant invention requires the use of uncomplexed cyclodextrin in order to allow the cyclodextrin cavities to absorb odor molecules when the cyclodextrin is applied to a surface.

In order to sustain an obviousness rejection, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. 2143. "The prior art must suggest the desirability of the claimed invention." "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." M.P.E.P. 2143.01. "A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." M.P.E.P. 2141.02 citing *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983), *cert. denied* 469 U.S. 851 (1984).

None of the references cited by the Examiner teach or suggest utilizing a cyclodextrin wherein the cyclodextrin remains uncomplexed. Furthermore, with regard to Nebashi, this reference teaches using a perfume for masking the odor of a laundry detergent. Nebashi is only concerned with the odor of the laundry detergent itself and not with controlling malodor on the surfaces that the laundry detergent comes in contact with. It does not teach or suggest either explicitly or implicitly, Applicants' instant invention wherein Applicants' claimed matter is used to absorb odors on surfaces such as clothing and the like. Hence, the Examiner's obviousness rejections are overcome. Applicants

respectfully request the Examiner to reconsider and withdraw these rejections and allow the claims in the instant application.

**FAX RECEIVED**  
**JUN 06 2003**  
**TC 1720****OFFICIAL****SUMMARY**

This response is responsive to the Office Action dated May 6, 2003. Applicants wish to thank the Patent Office for providing Applicants an opportunity to correct the deficiencies in their February 12, 2003 response and resubmit this response herewith. With regard to the Office Action dated August 12, 2002, the Examiner requires an election of Claims. Applicants elect Claims 1 - 10 with traverse. Claims 11 - 20 are withdrawn herewith as non-elected claims. Claim 6 is cancelled without prejudice. The Examiner's objections and rejections have been overcome. Applicants respectfully request the Examiner to reconsider and withdraw these objections and rejections and allow the claims in the instant application. Applicants also respectfully request the Examiner to consider and make of record Applicants' Information Disclosure Statement filed March 4, 2003. Please charge any fees associated with this response to Deposit Account No.: 16-2480. No new matter is added.

Respectfully submitted,

**FOR: ADRIAN JOHN WAYNEFORTH****ANGELL, ET AL.,**By: 

Julia A. Glazer

Attorney for Applicants

Registration No. 41,783

(513) 627-4132

Date: June 6, 2003

Customer No. 27752